

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
DEMOS P. DEMOPOULOS, STEPHEN MALONE,
MICHAEL SPINELLI, WILLIAM CASSESE and
JOHN A. CURCIO *as Trustee and Fiduciary of the*
Local 854 Pension Fund,

Plaintiffs,

-against-

ADVANCE TRANSIT CO. INC.,

Defendant.

ORDER ADOPTING R&R
CV 20-5186 (DRH) (ARL)

-----X
Presently before the Court is the Report and Recommendation of Magistrate Judge Arlene R. Lindsay, dated December 17, 2021, recommending that plaintiffs' motion for default judgment be granted and the plaintiffs be awarded \$436,526.00 in withdrawal liability, \$71,901.00 in interest through March 31, 2021, plus additional interest at a daily rate of \$215.27 from March 31, 2021 through the date the judgment is entered, \$87,305.20 in liquidated damages, \$4,850.00 in attorneys' fees and \$461.80 in costs. More than fourteen (14) days have passed since service of the Report and Recommendation and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, the Court adopts the December 17, 2021 Report and Recommendation of Judge Lindsay as if set forth herein. Accordingly,

IT IS HEREBY ORDERED that plaintiffs' motion for a default judgment against defendant is granted and plaintiffs are awarded \$436,526.00 in withdrawal liability, \$71,901.00 in interest through March 31, 2021, plus additional interest at a

daily rate of \$215.27 from March 31, 2021 through the date the judgment is entered, \$87,305.20 in liquidated damages, \$4,850.00 in attorneys' fees and \$461.80 in costs. The Clerk of Court is directed to enter judgment accordingly and to close this case.

Dated: Central Islip, New York
January 11, 2022

s/ Denis R. Hurley
Denis R. Hurley
United States District Judge